

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

UNITED STATES OF AMERICA,

Plaintiff,

v.

19-CR-1631-DHU

KAMAL BHULA,

Defendant.

DEFENDANT KAMAL BHULA'S NOTICE OF EXPERT TESTIMONY

COMES NOW Defendant Kamal Bhula, by and through his legal counsel, Nicole W. Moss, and hereby provides the following notice of his intent to introduce expert testimony:

Janet McHard, MBA, CPA, CFE, MAFF, CFF, CGMA, PI

Janet McHard is a Certified Public Accountant, Certified Fraud Examiner, a Master Analyst in Financial Forensics and a Private Investigator. Ms. McHard will testify about her use of specialized skill, training, and experience to analyze the business and financial records and discovery in this case, and the roles of the different individuals implicated, and to evaluate and opine regarding the reports, testimony, evaluations, and analysis presented by the United States' witnesses. Ms. McHard's Curriculum Vitae and list of Sworn Testimony is attached as Exhibit A.

Beth Mohr, CFE, CFCS, CAMS, CCCI, MPA, PI

Beth Mohr is a Nationally Certified Law Enforcement Instructor, a Certified Financial Crimes Specialist, Certified Fraud Examiner, a Private Investigator and a retired Certified Police Officer with experience in vice investigations including prostitution and

human trafficking. Ms. Mohr will testify as to her specialized skills, training and experience as an expert in police practices and interviews, false confessions and vice investigations (including prostitution and human trafficking) and her opinions and observations regarding the investigation that was conducted in this matter and the reports, testimony, evaluations and analysis presented by the United States' witnesses. Ms. Mohr's Curriculum Vitae and list of Sworn Testimony is attached as Exhibit B.

Mr. Bhula provides his Notice pursuant to Federal Rule of Evidence 702, which controls the admissibility of expert testimony and requires district courts to ensure that all scientific, technical or other specialized testimony of an expert be both relevant and reliable. *Daubert v. Merrell Dow Pharmaceuticals, Inc*, 509 U.S. 579, 589 (1993); *Kumho Tire Co., Ltd. V. Carmichael*, 526 U.S. 137, 149 (1999)(applying same principles to "technical" evidence). In determining to admit expert testimony of a technical or specialized knowledge nature, the trial judge must determine whether the testimony has "a reliable basis in the knowledge and experience of [the relevant] discipline." *Daubert*, 509 U.S. at 592, 113 S. Ct. 2786, and if that testimony will aid the jury.

The proposed testimony by Ms. McHard and Ms. Mohr will assist the jury in this matter by providing information not typically possessed by a lay person. Specifically, Ms. McHard can assist the jury through her training, education and expertise as an expert in accounting and business practices, as those were applied at the Best Choice Inn during the relevant time frame. Ms. Mohr can assist the jury by providing expert testimony based upon her training, experience and education not only as a former law enforcement officer, but also as an experienced private investigator and expert in police practices, interviews and false statements.

Wherefore, Defendant Bhula respectfully requests this Court allow the above-described expert witnesses' testimony because it has a "reliable basis in the knowledge and experience" in the witnesses' respective disciplines. *See United States v. Garza*, 566 F.3d 1194, 1199 (10th Cir. 2009)(Rule 702's reliability requirement for proffered expert testimony may be satisfied where an expert witness' "specialized knowledge" is "acquired through 'experience' and training' ").

Respectfully submitted,

/s/ Nicole W. Moss
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CERTIFICATE OF SERVICE

I hereby certify that a copy of this pleading was served as sealed to opposing counsel via the CM/ECF system on this 1st day of August 2022.

/s/ Nicole W. Moss
Nicole W. Moss